

EXHIBIT AIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Group Art Unit: 1746
Paul R. MARGIOTT, et al.)	Examiner: HODGE, Robert
Serial No. 10/635,779)	Filed: 08/06/2003
For: HYDROGEN PASSIVATION SHUT)	
DOWN SYSTEM FOR A FUEL CELL)	Atty. Docket No. C-2952
POWER PLANT)	

DECLARATION UNDER RULE 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Ryan J. Balliet, being a joint applicant in the above referenced application, declares as follows:

1. I am one of the joint inventors of U.S. Patent 6,838,199 that issued on January 4, 2005.

2. U.S. Patent 6,838,199 includes subject matter that was derived from me that is disclosed but that is not claimed in that Patent.

3. In the process of preparing and filing the Patent Application that resulted in U.S. Patent 6,838,199, I conceived an invention that is described in an "Invention Disclosure" document I prepared for my employer. A copy of the Invention Disclosure document is attached hereto as Exhibit 1 to this Declaration. That Invention Disclosure document bears the docket no., or "Project No." of "C02691", which was subsequently shortened to "C-2691", as shown on the top right corner of page 4 of Exhibit 1.

BEST AVAILABLE COPY

4. Attached as Exhibit 2 is a copy of a print out of the "Patent Application Information Retrieval" page from the U.S.

Patent & Trademark Office for U.S. Patent 6,838,199. That page identifies "C-2691" as the "Attorney Docket No." for U.S. Patent 6,838,199. This shows that the invention derived from me that is described in the attached "Invention Disclosure Document" for "C02691" (Exhibit 1) forms a significant part of U.S. Patent 6,838,199.

5. The invention described in Exhibit 1 was invented by me alone, as indicated at the bottom third of page 1 of the document wherein the "Inventor Name(s)" section includes only my name.

6. Exhibit 1 includes a first page that is a form with specific information filled in various boxes; a second page that includes a written "Invention Description"; a third page including filled in form boxes relating to fuel cell system components; a fourth page including an invention "Explained to and understood by:" section; and a final fifth page entitled "Insert Figures Here", including a schematic diagram labeled "Figure 1...", and a "Table 1".

7. The invention derived from me, that I invented and that is also disclosed but not claimed in U.S. Patent 6,838,199, is shown in Exhibit 1, especially in the "Invention Description" on page 2, and in Figure 1 on page 5, and that invention includes:

a fuel cell system (Exh. 1, page 2, third para.) having an anode and a cathode catalyst, with an electrolyte disposed between them (Exh. 1, Fig. 1, and page 2, fourth para.), an anode and a cathode flow path (Exh. 1, page 2, fourth para. and Fig. 1), a hydrogen inlet valve (Exh. 1, Fig. 1 at "CV-1"), an oxidant inlet valve (Exh. 1, Fig. 1 at "CV-4"), a hydrogen transfer means (Exh. 1, Fig. 1

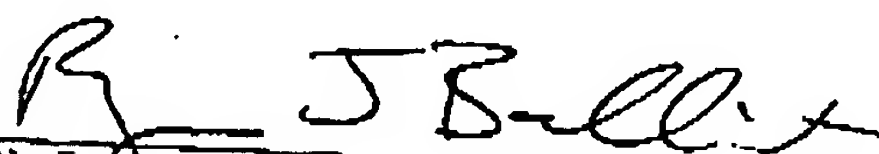
at "CV-3") between the anode and cathode flow fields, and a hydrogen reservoir means secured in fluid communication with the anode flow path (Exh. 1, at Fig. 1, being the anode flow field shown schematically surrounding the word "Anode"; and being described in page 2, paragraph 5 in the phrase "once the anode has been purged with air" (which implicitly requires a "flow path" for movement of air); and also shown in Fig. 1, as being the pipe shown schematically to direct fuel from the phrase "Fuel In" through "CV-1" and "CV-2" and into and out of the schematic box labeled "anode"). The "hydrogen transfer means" shown in Exhibit 1 is described in Exhibit 1, page 2 and page 5, Table 1, as "CV-3" on while "CV-2" is off in order to direct fuel into the "cathode" flow field (Exh. 1, at page 2, fourth para., and Table 1, "Start-Up" row 1), which clearly indicates that "CV-3" (e.g., "control valve-3") is a hydrogen transfer valve secured between the fuel and oxidant inlets.

8. The inventorship of the above referenced patent application serial no. 10/635,779 is correct, and the undersigned declarant is the one of the joint inventors thereof.

9. The invention described above in paragraph 7 that was disclosed in U.S. Patent 6,838,199 but not claimed in that Patent was derived from and invented by the undersigned declarant, who is a joint inventor of the subject matter claimed in the above referenced patent application.

The declarant hereby declares that all statements made herein of the declarant's own knowledge are true and that all statements made on information and belief are believed to be true. The declarant further states that the above statements

were made with the full knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statements may jeopardize the validity of this application or any patent resulting therefrom.



RYAN J. BALLIET

Date: 7/11/2005